

### REMARKS

This amendment is offered in response to the Office Action of April 19, 2005.

The Examiner rejected Claims 40 and 41 under the doctrine of obviousness-type double patenting over U.S. Patent No. 6,694,704 (Claim 1). The Applicant includes herewith a terminal disclaimer with respect to the '704 patent. In accordance with the Office Action, it is respectfully submitted that Claim 41 is in immediate condition for allowance.

The Office Action rejected Claims 40 and 41 under 35 U.S.C. §112, second paragraph. The Applicant has amended the claims in accordance with the Examiner's suggestion. It is respectfully submitted that this rejection is overcome.

The Office Action rejected Claim 40 under 35 U.S.C. §103(a) as being obvious over the McMahon reference (U.S. Patent No. 4,909,017) in view of the Bahr reference (U.S. Patent No. 4,335,817) or the Sullivan reference (U.S. Patent No. 4,620,320).

The McMahon reference discloses a reclosable bag without a slider. As shown in Figure 5, the entire base of the profiles is sealed to the bag walls. In such a configuration, it would be impossible to simply mount a slider onto the profiles. Moreover, the Bahr and Sullivan references are so different from the McMahon reference that this is nothing that would suggest the combination of the two, absent the benefit of hindsight.

Newly amended Claim 40 recites:

wherein a first portion of said at least one web is attached to said  
first or second wall and a second portion of said at least one web is  
free of attachment to said first or second wall

It is therefore respectfully submitted that Claim 40 is in condition for allowance.

Therefore, it is respectfully submitted that the rejection over the cited prior art is overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a long horizontal flourish extending to the right.

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